

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JANE DOE,)
)
Plaintiff,)
)
v.)
)
BEVERLY SANDLER,)
)
Defendant.)

VERIFIED COMPLAINT

Plaintiff, Jane Doe ("Plaintiff"), by her attorneys and for her verified complaint¹ against defendant, Beverly Sandler ("Defendant"), states as follows:

Summary of Claim

1. Defendant has publicized private facts about Plaintiff on the Internet and to Plaintiff's family. She has also threatened to send explicit, nude photographs of Plaintiff to a religious and community organization in which Plaintiff serves a leadership role. By this action, Plaintiff asserts a claim for invasion of privacy based on public disclosure of private facts.

2. Plaintiff seeks preliminary and permanent injunctive relief to prevent Defendant's further disclosure of private facts regarding Plaintiff (including disclosure of intimate photographs and video). Additionally, Plaintiff seeks an award of compensatory damages in excess of \$75,000 and punitive damages in the amount of three times the award of compensatory damages based on Defendant's past and threatened disclosures of private facts.

¹ Due to the sensitive and personal nature of the allegations contained in this Verified Complaint, and to avoid compounding the harm caused by the actions complained of, the plaintiff is referred to herein as "Jane Doe". With the filing of this Verified Complaint, the plaintiff has moved for leave to file her Verification under seal.

The Parties

3. Plaintiff is citizen and resident of Clayton, Missouri.
4. Defendant is a citizen and resident of Flossmoor, Illinois.

Jurisdiction and Venue

5. This Court has jurisdiction over this dispute pursuant to 28 U.S.C. §1332 because Plaintiff is a citizen of Missouri, Defendant is a citizen of Illinois, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

6. Venue is proper in this district pursuant to 28 U.S.C. §1391(a).

The Explicit Materials

7. Plaintiff is a professional woman who owns and operates a successful business in St. Louis, Missouri. Plaintiff is a well-regarded member of civic and religious organizations in her community.

8. Richard Roe is a resident of Skokie, Illinois. Plaintiff has known Roe for approximately thirty years since meeting at camp.

9. In September 2010, Plaintiff entered into an extramarital, romantic and intimate relationship with Roe. Roe was not married at the time.

10. During the course of that relationship, Roe took explicit, intimate, nude photographs (“Photographs”) and a video (“Video”) of Plaintiff in sexual situations (collectively “the Explicit Materials”) for the private use of Roe and Plaintiff. Roe and Plaintiff agreed that the Explicit Materials would not be disclosed to others, to be seen only by Roe and Plaintiff. Roe kept the Explicit Materials on his personal computer.

**Defendant's Misappropriation of the
Explicit Materials and Threats to Make Them Public**

11. During the course of Roe's relationship with Plaintiff, Roe apparently was also involved in a relationship with Defendant.

12. On or about February 13, 2011, Defendant discovered Roe's relationship with Plaintiff.

13. Defendant accessed the Explicit Materials on Roe's computer and, on information and belief, made copies of them.

14. On February 13, 2011, Defendant telephoned Plaintiff and threatened to tell Plaintiff's husband about Plaintiff's relationship with Roe.

15. On February 14, 2011 at 1:02 a.m., Defendant sent Plaintiff an email with three of the Photographs attached. A redacted copy of that email is attached hereto as Exhibit A. Defendant wrote in the subject line of that email: "what should we do with these pictures?" In the text of that email, Defendant wrote: "I'm sure your husband would be interesting [sic] in seeing them."

16. Later that same day, Defendant threatened to disseminate the Explicit Materials and demanded that Roe pay her \$50,000 not to do so. Roe initially agreed to pay \$50,000 to Defendant.

17. In response, at 8:47 a.m. on February 14, 2011, Defendant sent an email to Roe and Plaintiff in which Defendant stated: "\$50,000. [sic] will be the first payment this Sunday.... I want \$500,000.00. Get the rest from [Plaintiff] or I will contact her husband." A redacted copy of that email is attached hereto as Exhibit B.

18. Minutes later, at 9:25 a.m., Defendant sent another email to Roe and Plaintiff in which Defendant stated:

you will give me the \$50,000. [sic] this Sunday. I will deal with her separate [sic]. I've contacted a friend in St. Louis and her having no money is another lie. She has until noon today to contact me. Otherwise I'll be in touch with her husband. I'm not fooling around.

A redacted copy of that email is attached hereto as Exhibit B.

19. Around mid-day on February 14, 2011, Defendant called Plaintiff's husband and told him details about Plaintiff's relationship with Roe. Defendant told him that she wanted to send him the Photographs. This phone call caused Plaintiff's husband to experience elevated blood pressure and chest pains which, in turn, caused Plaintiff great emotional distress.

20. On the evening of February 14, 2011, Defendant posted the following to her Facebook™ account:

I found explicit sexual photos with him [Roe] and another woman taken 3 weeks ago - right before my Boca Israel Bonds event.... This affair has been going on for many years he knows her from Ramah, [Plaintiff]... Treated me like I was the greatest and turned around and did this. No prior indication. I thought we were very much in love and in sync. He told me he does it for the thrill. Sick!

Defendant's statement that the "affair has been going on for many years" was false.

21. On February 15, 2011 at 9:20 a.m., Defendant sent another email to Plaintiff, a redacted copy of which is attached hereto as Exhibit C. In the subject line of that email, Defendant wrote: "I have a nice video of you to show your husband and children." In the text of the email, Defendant wrote, "Where do you suggest I send it?"

22. At 10:45 a.m. that same morning, Defendant sent another email to Plaintiff, a redacted copy of which is attached hereto as Exhibit D. In that email, Defendant stated: "You are both going down."

23. On February 17, 2011 at 4:51 a.m., Defendant sent another email to Plaintiff, a redacted copy of which is attached hereto as Exhibit E. In the subject line of that email, Defendant wrote: “sending out your pictures and video”. In the text of the email, Defendant pasted a hyperlink to an article relating to a community and religious organization in which Plaintiff serves a leadership role. The clear implication of Defendant’s pasting of the link was that Defendant intended to send the Explicit Materials to members of the organization. After that link, Defendant wrote: “So many places to send them to!”

COUNT I

(Public Disclosure of Private Facts)

24. Plaintiff realleges and incorporates by reference Paragraphs 1-23 above as if fully set forth herein as Paragraph 24 of Count I.

25. Through her posting on Facebook™ and disclosure to Plaintiff’s husband of private facts regarding Plaintiff’s relationship with Roe, Defendant has made public disclosures of private facts regarding Plaintiff.

26. Additionally, through her emails, Defendant has threatened to make imminent, further public disclosures of private facts (including disclosures of the Explicit Materials) regarding Plaintiff (*e.g.*, “What should we do with these pictures?”, “I have a nice video of you to show your husband and children... Where do you suggest I send it?”, “sending out your pictures and video... So many places to send them”).

27. The disclosures were made public to Plaintiff’s husband and others, and Defendant has threatened to make further disclosures to members of Plaintiff’s civic and religious associations with whom Plaintiff has special relationships.

28. The disclosures made and threatened by Defendant were and would be highly offensive to a reasonable person inasmuch as they reference Plaintiff's intimate sex life and include explicit, intimate, nude photographs of Plaintiff that were never intended to be seen by anyone other than Plaintiff and Roe.

29. The disclosures made and threatened by Defendant do not represent facts that have any legitimate public concern.

30. In making and threatening to make public disclosure of private facts relating to Plaintiff, Defendant has acted and is acting with actual malice and with the knowledge that the Explicit Materials were of a highly private, personal and intimate nature.

31. Plaintiff has suffered and continues to suffer damages a result of the public disclosures of private facts including, but not limited to, a violation of her right to privacy, embarrassment and great emotional distress.

32. Additionally, Plaintiff faces irreparable injury without adequate remedy at law in the event Defendant is not immediately enjoined from further publication of private facts about Plaintiff.

WHEREFORE, plaintiff, Jane Doe, requests that the Court enter judgment in her favor and against defendant, Beverly Sandler, and:

- (A) enter a temporary restraining order and preliminary and permanent injunctive relief prohibiting Sandler from disseminating the Explicit Materials or facts relating to Plaintiff's relationship with Roe;
- (B) award Plaintiff compensatory of at least \$75,000 and punitive damages; and
- (C) award such other and further relief as the Court deems appropriate.

JANE DOE

By: /s/ Marshall L. Blankenship
One of her attorneys

Marshall L. Blankenship
James D. Adducci
ADDUCCI, DORF, LEHNER,
MITCHELL & BLANKENSHIP, P.C.
150 North Michigan Avenue, Suite 2130
Chicago, Illinois 60601-7524
(312) 781-2800

From: Beverly Sandler [<mailto:bevshoes1@yahoo.com>]

Sent: Monday, February 14, 2011 1:02 AM

To:

Subject: what should we do with these pictures?

I'm sure your husband would be interesting in seeing them.

That would be only fair.

Beverly

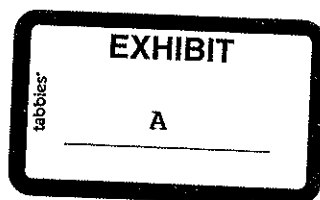
FAMOUS BRANDS EXPERTLY FITTED

Sandler's Shoes

3313 Ridge Road

Lansing, IL 60438

708-895-0833



From: Beverly Sandler [<mailto:bevshoes1@yahoo.com>]
Sent: Monday, February 14, 2011 8:47 AM
To:
Cc:
Subject: Re: Happy Valentines Day

\$50,000. will be the first payment this Sunday. You are the lowest form of scum. How many times did you ask me if I was your girl, and that you wanted to be with me forever? \$50,000 is not enough for the damage you have done to me. I want \$500,000.00. Get the rest from _____ or I will contact her husband.

I loved you so much, wanted to please you in every which way and for you of all people to betray our love is way too much to absorb.

FAMOUS BRANDS EXPERTLY FITTED
Sandler's Shoes
3313 Ridge Road
Lansing, IL 60438
708-895-0833

--- On Mon, 2/14/11,

wrote:

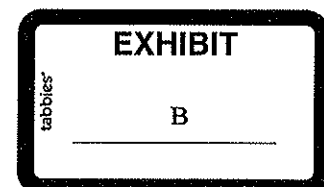
From:
Subject: Re: Happy Valentines Day
To: "Beverly Sandler" <bevshoes1@yahoo.com>
Date: Monday, February 14, 2011, 8:03 AM

I will have the \$50,000. I assume that means that all pictures will never be sent and all the terrible things you feel about me will stay between us.

I know this means nothing to you but i will miss you always and always regret i was so weak and uncontrolled

--- On Mon, 2/14/11, Beverly Sandler <bevshoes1@yahoo.com> wrote:

From: Beverly Sandler <bevshoes1@yahoo.com>



Subject: Happy Valentines Day

To:

Date: Monday, February 14, 2011, 12:42 AM

FAMOUS BRANDS EXPERTLY FITTED

Sandler's Shoes

3313 Ridge Road

Lansing, IL 60438

708-895-0833

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1204 / Virus Database: 1435/3442 - Release Date: 02/13/11

From: Beverly Sandler [<mailto:bevshoes1@yahoo.com>]

Sent: Monday, February 14, 2011 9:25 AM

To:

Cc:

Subject: Re: Happy Valentines Day

You will give me the \$50,000. this Sunday. I will deal with her separate. I've contacted a friend in St. Louis and her having no money is another lie. She has until noon today to contact me. Otherwise I'll be in touch with her husband. I'm not fooling around.

FAMOUS BRANDS EXPERTLY FITTED

Sandler's Shoes

3313 Ridge Road

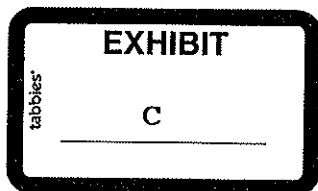
Lansing, IL 60438

708-895-0833

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1204 / Virus Database: 1435/3442 - Release Date: 02/13/11



From: Beverly Sandler [<mailto:bevshoes1@yahoo.com>]
Sent: Tuesday, February 15, 2011 9:20 AM
To:
Subject: I have a nice video of you to show your husband and children

Where do you suggest I send it?

FAMOUS BRANDS EXPERTLY FITTED

Sandler's Shoes

3313 Ridge Road

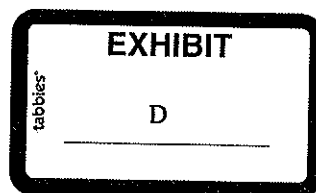
Lansing, IL 60438

708-895-0833

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1204 / Virus Database: 1435/3445 - Release Date: 02/15/11



From: Beverly Sandler [<mailto:bevshoes1@yahoo.com>]

Sent: Tuesday, February 15, 2011 10:45 AM

To:

Subject: Re: New

Means nothing, you idiot. offered me the original \$50,000. and I realized accepting money was ludicrous.

You are both going down.

FAMOUS BRANDS EXPERTLY FITTED

Sandler's Shoes

3313 Ridge Road

Lansing, IL 60438

708-895-0833

--- On Tue, 2/15/11,

wrote:

From:

Subject: New

To: "Beverly Sandler" <bevshoes1@yahoo.com>

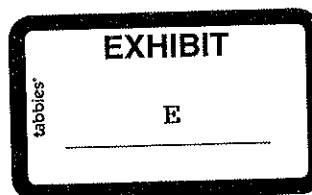
Date: Tuesday, February 15, 2011, 10:37 AM

Just wanted to let you know that I just gave your name and information to the FBI in Chicago. They have the emails that you sent us regarding the \$50,000 and the \$500,000.

From: Beverly Sandler [<mailto:bevshoes1@yahoo.com>]

Sent: Monday, February 14, 2011 1:02 AM

To:



Subject: what should we do with these pictures?

I'm sure your husband would be interesting in seeing them.

That would be only fair.

Beverly

FAMOUS BRANDS EXPERTLY FITTED

Sandler's Shoes

3313 Ridge Road

Lansing, IL 60438

708-895-0833

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1204 / Virus Database: 1435/3445 - Release Date: 02/15/11

From: Beverly Sandler [<mailto:bevshoes1@yahoo.com>]

Sent: Thursday, February 17, 2011 4:51 AM

To:

Subject: sending out your pictures and video

http://_____blogspot.com/

So many places to send them to!

